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MT LEGISLATIVE HISTORY

Chapter 117 1989

Bill (H) 484 S _____ Original bill & hist. ___C

H. Committee on Natural Resources		S. Committee on Public Health, Welfare & Safety	
Hearing Date(s) Feb 07	✓C	Hearing Date(s) Mar 01	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 07	✓C	Mar 01	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

they have had the Foster Care Review Committee in place and they have an individual involved in that process and it seems to be working well. She asked for the committee's favorable support of this bill also.

DISPOSITION OF HOUSE BILL 305

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Lynch moved that HOUSE BILL 305 BE CONCURRED IN. Senators in favor, 6; opposed, 0.

HEARING ON HOUSE BILL 484

Presentation and Opening Statement by Sponsor: Senator J. D. Lynch, Senate District #34, stated he is a stand-in for Representative Tom Hannah, House District #86, who is the chief sponsor of HB 484.

List of Testifying Proponents and What Group they Represent:

Bill Potts, Montana Department of Health
Chris Kaufman, Montana Environmental Information Center

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bill Potts stated he was with the Solid and Hazardous Waste Bureau of the State Department of Health. He was asked by Rep. Hannah to address certain technical issues associated with HB 484 which requires persons using halogenated solvents to register that activity with the Department of Health and Environmental Sciences. Mr. Potts read and presented his written testimony to the committee (Exhibit #6).

Representative Tom Hannah apologized for being late due to conflicting Senate and House schedules. He stated that he had several handouts for the committee's information which he distributed (Exhibit #7). By way of background information he stated that he received a report on what was happening with regard to small-quantity waste generators. It indicated that the most common method of solvent disposal is mixture with waste

oils, with subsequent usage for heating fuel, oil recycling or, in some cases, road oiling. For spent solvents that are classified as hazardous wastes, these disposal methods may constitute violations of hazardous waste laws. What HB 484 is designed to do is to educate people who are using this material and get them to register with the DHES if they are using over 20 gallons. He stated he feels it is a good step in the right direction.

Chris Kaufman stated her department is in favor of any legislation that would discourage the use of halogenated solvents and encourage proper disposal of that waste should it need to be used. They believe it is a good bill, does not come down hard on anyone, and the registration process will allow the Department to know who is using such solvents, how they are disposing of it, and supply information regarding alternative products and proper disposal procedures. She stated they support HB 484.

Questions From Committee Members:

Senator Hager asked how many more substances are referenced in 40 CFR 261.31. Mr. Potts stated there are just the three listed.

Senator Himsl asked who sells these solvents. Rep. Hannah stated that most of them are sold through chemical distributors. In response to a question by Senator Himsl, Rep. Hannah stated that automotive shops would fall under this bill.

Closing by Sponsor: Representative Hannah closed with no additional comments.

DISPOSITION OF HOUSE BILL 484

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Lynch moved that HOUSE BILL 484 BE CONCURRED IN. Senators in favor, 5; opposed, 0.

Senator Hager will carry the bill.

ADJOURNMENT

Adjournment At: 2:30 p.m.

ROLL CALL

PUBLIC HEALTH COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3/1/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Hager	X		
Sen. Tom Rasmussen	X		
Sen. Lynch	X		
Sen. Himsl	X		
Sen. Norman	X		
Sen. McLane	X		
Sen. Pipinich		X	

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 1, 1989

MR. PRESIDENT.

We, your committee on Public Health, Welfare, and Safety, having had under consideration HB 434 (third reading copy -- blue), respectfully report that HB 434 be concurred in

Sponsor: Hannah (Baucus)

BE CONCURRED IN

Signed: _____

Thomas O. Hager, Chairman

H.C. 3/2 11 4

S. 4?

SENATE HEALTH & WELFARE
EXHIBIT NO. 4 C
DATE 3/1/87
BILL NO. HB 484

MDHES
TESTIMONY FOR HALOGENATED SOLVENT BILL
HB 484

I have been asked by Representative Hannah to address certain technical issues associated with HB 484 which requires persons commercially using halogenated solvents to register that activity with the Department of Health and Environmental Sciences. Halogenated solvents are commonly used as degreasers and cleaning agents, and are associated with such activities as vehicle maintenance, dry cleaning, and laboratories. Common halogenated solvents in use include methylene chloride, tetrachloroethane, trichloroethene, and 1,1,1-trichloroethane.

Halogenated solvents can be of particular concern from a public health standpoint because of the potential toxic effect to human health. Some of these solvents can readily be transmitted orally or dermally into the human body and cause irreversible harm to human organs.

Historically, there has been a gradual movement toward the use of non-halogenated solvents which have a less toxic impact on humans. This movement is most evident in the area of vehicle maintenance where now most commonly mineral spirits are used as a degreaser.

However, there are certain industries where halogenated solvents will for the foreseeable future be the solvent of choice. Such industries include dry cleaning, electrical parts repair, and laboratories.

It is the department's understanding that the intent of HB 484 is to encourage users of halogenated solvents to substitute the use of such solvents for less toxic or hazardous cleansing agents whenever possible. Further, the legislation would promote proper hazardous waste handling of such solvent. As such, this legislation would be regarded as a very effective part of the department's on-going waste minimization program.

SENATE HEALTH & WELFARE
EXHIBIT NO. #1
DATE 3/15/89
BILL NO. SB 154

HAZARDOUS SUBSTANCES

INTRODUCTION

Over the past decade, the American public has grown increasingly concerned about the effects of hazardous substances on human health and the environment. Dozens of state and federal programs have been initiated to regulate the use, storage, transport, disposal and cleanup of hazardous substances, and these programs are grounded in a relatively new, rapidly evolving and extremely complex body of natural resource law.

Development of Montana programs has largely kept pace with national initiatives. However, the 1989 Legislature will be asked to consider legislation on a range of hazardous substance issues. Some proposals involve the fine-tuning of state programs to conform to new federal requirements, others relate to the allocation of resources to specific programs, while still others call for substantive policy decisions.

This report highlights the status and legislative outlook for five major programs dealing with the management of hazardous substances in Montana: small-quantity hazardous waste generators; regulation of underground storage tanks; mini-Superfund; regulation of landfills and infectious waste disposal; and natural resource damage claims/hazardous waste site enforcement actions.

These topics reflect subjects of intense past legislative interest and/or anticipated future lawmaking activity.

For additional background information, the reader is referred a report prepared by the Environmental Quality Council for the 50th Montana Legislature (EQC 1987).

SMALL-QUANTITY HAZARDOUS WASTE GENERATORS

The Montana Hazardous Waste Act, administered by the Solid and Hazardous Waste Bureau of the Department of Health and Environmental Sciences, regulates the treatment, storage, transport, and disposal of hazardous wastes generated by state industries. The 1987 Legislature passed several minor amendments to the act, but the overall program direction remained unchanged and virtually identical to federal requirements.

An important issue during the 1987 legislative session was the question of whether the State should provide services for businesses generating small quantities of hazardous waste. The 1985 Legislature had authorized the expenditure of $800,000 of Resource Indemnity Trust Fund interest earnings to establish a hazardous waste collection and transfer system, pending the findings of a report commissioned by the Department of Health and Environmental Sciences.

In late 1986 the contractors retained by DHES released their report recommending the establishment of a state-owned, privately operated system to collect hazardous wastes and ship them to licensed out-of-state commercial disposal facilities. As

proposed, Montana businesses would be charged for the service, but state financial support would help keep down costs and thus encourage small businesses to comply with the stringent new waste disposal laws.

With the concurrence of the Schwinden Administration, the 1987 Legislature did not endorse the contractors' recommendations to develop a state collection and transfer facility. Instead, $212,000 of the previously allocated RIT funds was appropriated for a three-pronged effort to gather more information about the quantities of hazardous wastes produced by Montana small businesses; to determine the availability of commercial waste disposal services for these businesses; and to provide technical assistance to institute "waste minimization" programs in specific industries.

Waste Minimization Project

A report on these efforts, titled the "Montana Waste Minimization Project for Small Quantity Generators", was completed in September 1988 by Science Applications International Corporation (SAIC). In compiling the report, SAIC conducted detailed on-site audits of 114 small Montana businesses that generate hazardous wastes. These businesses fell into eight categories: laundries and dry cleaners, laboratories, printers, photographic services, metal finishing and fabrication, vehicle maintenance, pesticide applicators, and wood treaters. SAIC also interviewed companies that provide hazardous waste disposal services in Montana.

Among the report findings are the following:

* Most hazardous waste generators in Montana do not indicate a need or desire for hazardous waste management services beyond those already available. This finding is attributed to the fact that the large majority of these businesses produce such limited quantities of waste (less than 220 pounds per month) that they are classified as "conditionally exempt" and are thus not subject to most regulations.

* Seventeen companies provide commercial hazardous waste disposal services to Montana businesses, although only one (Special Resource Management west of Butte) has in-state offices. Companies indicated they would provide hazardous waste services anywhere in the state if transportation costs could be covered.

* Hazardous wastes generated by small businesses are disposed of by the following methods: disposal in local landfills or through on-site burning and burial; discharge to community sewer or to on-site septic tank drainfields; transport off-site by regulated transporters; or recycling by on-site redistillation (used for many solvents). The legal disposal of small quantities of hazardous waste in local landfills is a potential problem, but its magnitude is not yet well defined.

* The most common method of solvent disposal is mixture with waste oils, with subsequent usage for heating fuel, oil

recycling or, in some cases, road oiling. For spent solvents that are classified as hazardous wastes (as many are), these disposal methods may constitute violations of hazardous waste laws.

Based on these findings, SAIC cited a two-fold problem in Montana. First, the many conditionally exempt generators may not be aware of the need for or desirability of waste management services. Second, high transportation costs may make service to certain areas of the state unprofitable. In consideration of these factors and other report findings, SAIC recommended that:

* The Department of Health and Environmental Sciences (DHES) should not attempt to provide hazardous waste management services to Montana small businesses. Generator needs are too diverse and transportation considerations would make a single collection and transfer station ineffective.

* DHES should continue to educate small businesses on waste minimization techniques specific to their industries.

* DHES should provide all small-quantity generators with information on hazardous waste service companies active in Montana.

* Additional efforts are required to prevent the improper disposal of waste oil/solvent mixtures. Testing of waste oils should be required prior to pick-up by oil recyclers and solvent users should be informed about recycling options, including the opportunities for shared use of distillation equipment.

* The ongoing use of septic tank haulers for the disposal of "hot tank" wastes (metal-laden sludges from radiator repair shops) should be investigated, both in terms of volume handled and the environmental consequences of this virtually unregulated means of disposal.

Legislative Outlook

The Department of Health and Environmental Sciences intends to emphasize education and technical assistance to encourage Montana's small-quantity generators to further minimize their production of hazardous wastes and to dispose of wastes properly. These efforts will continue to be backed up by the regulatory structure in place under the Montana Hazardous Waste Act, and additional attention will be given to addressing the problems cited in the SAIC report.

The department has drafted legislation to amend the Montana Hazardous Waste Act to conform to 1984 amendments to the federal hazardous waste management law. The legislation would authorize DHES to order violators to cleanup off-site pollution and would allow the department to take legal action against persons who contributed to hazardous waste contamination through past illegal disposal practices.

TECHNICAL SUMMARY REPORT

MONTANA WASTE MINIMIZATION PROJECT

FOR SMALL QUANTITY GENERATORS

Submitted to:

State of Montana
Solid and Hazardous Waste Bureau
Department of Health and Environmental Sciences
Room B-201, Cogswell Building
Helena, Montana 59620

Submitted by:

Science Applications International Corporation
626 Columbia Street NW, Suite 1-C
Olympia, Washington 98501

September, 1988

MDHES Contract No. 800329
SAIC Project No. 1-817-00-180-00

The facilities interviewed generally send oil and solvent soaked rags to the local landfill. Spent solvents and solvent sludges are either taken to the local landfill or recycled as much as possible, and the sludges disposed of at the local landfill. Only one of the facilities audited appeared to be a Small Quantity Generator. This facility utilizes a permitted off-site TSD for disposal of sludges and some wastewaters. The other metal fabrication facilities appeared to be Conditionally Exempt Small Quantity Generators, generating less than 100 kg/month of any hazardous wastes. Only one facility indicated a need for and difficulty in finding a hazardous waste transporter or disposal facility, due apparently to the small quantity of wastes accumulated over time.

2.2.6 Vehicle Maintenance

This industrial category comprised the largest category of facilities audited over the course of this study. Included were dealerships with service facilities, commercial and municipal vehicle maintenance services, auto body repair services, heavy equipment (farm and construction) repair service, radiator shops, and aircraft maintenance. Forty-eight facilities were included in the audits.

Regardless of size and ownership of the operations, all vehicle and aircraft maintenance facilities include basic engine and equipment repair. Integral to these operations is the parts cleaning and equipment lubrication, change-out of lubricating oils, engine fluids, and worn parts. The largest volume of waste produced in the maintenance facilities is waste oils. These are typically drummed, often used for home heating fuel, and sometimes sold to a recycler or waste oil hauler. Many shops utilize solvents which are bought under contract and serviced by the contractor supplying the solvent and the parts cleaning unit. If this is not the case, a number of shops buy and reuse solvents until they are no longer effective. At this time, they may be redistilled on site, but in some cases, auditors determined that the spent solvents are being mixed with waste oils and treated as a non-hazardous waste. This may represent a substantial concern with regard to the use of waste oils as home heating fuels or the legal use of waste oils to oil dirt roads in rural portions of the state. Worn parts are either rebuilt, or disposed of at the local landfill if they cannot be recycled as scrap metal.

Solvents utilized in the auto maintenance industry may exhibit the characteristic of ignitable (EPA Waste I.D. D001), or may be a chlorinated compound (EPA Waste I.D. F-0XX). Waste oils are not considered to be a hazardous waste under Federal Law.

Auto body shops and repair facilities that paint vehicles generate spent paint thinners and strippers as well as waste paints, paint sludges and filters. The thinners may be listed or characteristic hazardous wastes; the paints may also be hazardous due to metal content. In general, the shops interviewed reuse thinners as long as possible before wasting them or recycling them. Painting is typically done in some kind of a paint booth where overspray is collected on a filter or in a water curtain system.

Radiator shops typically utilize hot caustic baths for radiator cleaning. This operation generates a metal-rich sludge at the bottom of tanks which must be periodically cleaned out. In addition, the caustic in the hot tanks must be periodically changed out. Audits conducted on these facilities revealed that sludges are handled in one of several ways: pumped out by a septic hauler and disposed off-site at unknown locations, pumped out and disposed on the property, flushed to the sanitary sewer, flushed to an on-site septic tank, or taken to the local landfill. The caustic liquid is generally neutralized and discharged to the sanitary sewer, if and when it is changed out.

Few if any of the vehicle maintenance facilities audited can be classified as any other than Conditionally Exempt Small Quantity Generators. Most facilities generate a large volume (several hundred gallons per year) of waste oils; if solvents are mixed with these oils such that the mixture is a hazardous waste, then the entire volume would be a hazardous waste. Currently, most facilities are not testing waste oil/solvent mixtures to determine if they are hazardous prior to selling or re-using these waste materials.

Few of the facilities audited indicated a need for hazardous waste transportation and management services, other than a need for some type of solvent recycling. Safety-Kleen is available in western Montana to provide this service; in the

4.0 CONCLUSIONS AND RECOMMENDATIONS

Small Quantity Generator audits, RCRA compliance/waste minimization workshops, and hazardous waste services surveys were performed to determine how wastes are being generated and disposed of in Montana, and what services are available to handle those wastes. The following conclusions have been drawn from this study:

- Of 114 Small Quantity Generator audits conducted, at least 90 percent proved to be Conditionally Exempt Generators (CEGs), generating less than 100 kg per month of listed or characteristic hazardous waste. These Conditionally Exempt Generators are not subject to most of the regulations for waste management and disposal under RCRA.

- Hazardous wastes generated by many SQGs and CEGs are being disposed by one of the following methods: disposal in the local landfill or on-site in burn pits or burial pits; discharged to the sanitary sewer or to an on-site septic tank and drain field; recycled by redistillation on-site; disposed off-site by regulated transporter. Disposal of hazardous wastes in local landfills appears to be a potential problem which is not currently well defined. Removal of hot tank wastes by septic haulers was also identified as a potential problem because this waste stream may contain high concentrations of heavy metals.

- Waste oils and solvents were the largest volume of wastes identified during the generator surveys. This corroborates the results of a special solvent and used oil study conducted for DHES in 1987. The most common method identified for solvent disposal in this study was to mix solvents with waste oils and utilize the mixture for fuel for home or business, or sell to an oil recycling operation. Waste oils which may or may not be mixed with solvents are also used for road oiling in various parts of the state.

- Most generators interviewed did not indicate a need or desire for hazardous waste management services beyond those already available to them. It is likely that the reason for this is the high number of CEGs interviewed who

to many of the RCRA regulations, and who may not be aware of the need for or desirability of waste management services. Secondly, while hazardous waste management services exist in the state, there is a definite problem of profitably serving many portions of the state due to high transportation costs. No single transfer station or service appears to be the solution to either of these problems. As a result, it is not recommended that the DHES provide these services. Instead, the following recommendations are made:

- Efforts should be made by the Montana DHES to educate SQGs and Conditionally Exempt Generators regarding waste minimization techniques specific to the various industries in the state. This could include a periodic state-wide direct mail newsletter or periodic workshops for specific types of generators. Coordination with the Montana Waste Information Exchange may be a way to disseminate some of this type of information.

- The DHES should provide to generators, via direct mail, information regarding those hazardous waste service companies active in the state. No endorsement would be implied if this list is comprehensive. The existing lists available upon request from the DHES should be updated periodically, and expanded to include an annotated description of the companies; these could then be utilized for direct mail to all Small Quantity and Conditionally Exempt Generators identified within the state.

- Parallel with educational activities regarding waste minimization, it appears that additional efforts are required to prevent the improper disposal of waste oil/solvent mixtures. This should be a two-pronged effort: one aimed at requiring testing of waste oils prior to pick-up by oil recyclers and the other at providing information to solvent users regarding on-site distillation. The DHES should encourage the shared use of a single distillation apparatus by several generators in a community. Again, this is part of an educational process, which may require demonstrations of such equipment in various localities and an information bulletin regarding the different types of distillation units available.

DATE 3/6/89

COMMITTEE ON Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Opp
Rep Angela Russell	HD 99	305	X	
Sen Linda ICW Spec.	OFS	305	X	
George Wood	Mt. Self Insurers Assn			HB 3
Bill Potts	MT. Dept. of Health	484	X	
M.H. Pardis D.C.	Mont Chiro. Assn	HB 33	X	
Lee Hudson, DC, DABCO	Mont. Chiropractic Assn	HB 33	X	
Norm Grosfield	self	HB 33	X	
Bonnie Lapp	MT Chiropractic Assn	H.B 33	X	
GARY BLOM	MT. Chir Assoc	HB 33	X	
Kirk Bodner	Mt. Nurses Assoc	HB 33	X	
Rep Est Vukonich	Extend to 70	HB 33	X	
Chris Kaufmann	MEIC	HB 484	X	
Chris Gentle	MHC	HB 33	X	
John Thorson	Rural Health Assoc.	305	✓	

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 3/1/89 Bill No. 454 Time 2:25

NAME	YES	NO
SEN. TOM HAGER	X	
SEN. TOM RASMUSSEN	X	
SEN. LYNCH	X	
SEN. HIMSL	X	
SEN. NORMAN		
SEN. McLANE	X	
SEN. PIPINICH	Excused	

Dorothy Quinn
Secretary

Sen. Tom Hager
Chairman

Motion: Sen. Lynch moved that HB 454 be concurred in.

Do pass 5-0 Motion carried.

DISPOSITION OF HB 498

Discussion: REP. HARPER recommended holding the bill and waiting to see how the well drillers felt about the bill when they met later in the week. REP. GILBERT concurred with Rep. Harper to either hold or table the bill until the committee heard from the well drillers.

REP. O'KEEFE remarked that he did not think the bill necessary, as it might have been in 1983 before the well log data had been entered on the computer.

REP. ROTH also thought the bill unnecessary because of the variation in well flow amounts.

Amendments, Discussion, and Votes: None

Recommendation and Vote: REP. ROTH moved to TABLE the bill. The motion CARRIED unanimously.

HEARING ON HB 484

Presentation and Opening Statement by Sponsor:

REP. HANNAH, House District 86, opened on the bill which would provide some control and education for commercial uses of small amounts of hazardous materials, specifically chlorinated and halogenated solvents. He distributed EXHIBITS 5 and 6, a fiscal note and the background information of the bill. EXHIBIT 6 contained pertinent portions of a studies prepared by EQC and the Department of Health and Environmental Sciences, Solid and Hazardous Waste Bureau, on small quantity generators of hazardous waste in the state.

REP. HANNAH said the problem associated with chlorinated and halogenated solvents was that people mixed them with used oil. This would be sold to the used oil distributor, who would then mix that with all of his oil, and spray this contaminated stock on county roads. Another disposal problem occurred when this product was burned. He said the recommendations in the reports would be to require that all loads of oil be tested. REP. HANNAH said he preferred a more nonintrusive measure to be educational and to warn individuals of the hazards and proper disposal methods.

REP. HANNAH went through the provisions of the bill. Registration would be required of users more than 20 gallons of these solvents. The department could then suggest methods of disposal. The solvents could be recycled, treated, or hauled away to a disposal site.

Testifying Proponents and Who They Represent:

Bill Potts, Department of Health and Environmental Sciences
Chris Kaufmann, Montana Environmental Information Center

Proponent Testimony:

BILL POTTS, with the Solid and Hazardous Waste Bureau, DHES, testified as set forth in EXHIBIT 7.

CHRIS KAUFMANN said MEIC favored any legislation that would discourage the use of these types of solvents. For those businesses that still needed to use these solvents, the registration procedure would allow the department to know who was using them, and how they were disposing them. She said the bill encouraged recycling which was a good policy.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members:

REP. GIACOMETTO asked how much will the license cost. REP. HANNAH said it was not a license, but a registration procedure. He said there would be no additional cost to the department, as indicated in the fiscal note.

REP. ROTH asked if there would be follow-up inspections conducted by the department. MR. POTTS said the majority of those persons would not be regulated by the department's hazardous waste program, but would be conditionally exempt. Normally there would be no follow-up.

REP. RANEY asked if these chlorinated and halogenated solvents were the same compounds that were in the groundwater underneath Livingston, and MR. POTTS said yes. He said that the contaminants under Whitefish, Missoula, Great Falls, Havre and Glendive were more diesel fuel related.

REP. KADAS asked MR. POTTS if it would be a good idea to include in the language of the bill the person who buys 20 gallons or more per year. MR. POTTS said that was discussed in drafting the bill, and it was decided that it was preferable to have a central spot from which the chemicals were dispensed as the point of control and notification. REP. KADAS said he agreed that the department would catch more people at the point of sale, and suggested doing both. MR.POTTS said he thought that would not be very effective, and would be redundant.

REP. KADAS asked what kinds of penalties were there for a neighbor who dumped this stuff in the back alley. REP. HANNAH said there really was not a lot that you can do, and deferred to Mr. Potts. MR. POTTS said that a conditionally exempt generator (one who generated less than 220 lbs in any one month) had three options: 1) legitimate recycling reuse; 2) send the solvent to a permitted hazardous waste facility; and 3) disposal at a solid waste facility. In other words, it was against the law for anyone to dump a hazardous substance in an alley way.

REP. GILBERT commented that these solvents were in limited and specialized use in the state, having been replaced by mineral spirits, or Stoddard solvents, which were not classified as a regulated hazardous substance.

Closing by Sponsor:

REP. HANNAH said the bill was a sound idea and would help the department to control some of the problems associated with these dangerous compounds.

DISPOSITION OF HB 484

Motion: REP. HANNAH moved that HB 484 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED.

DISPOSITION OF HB 462

Hearing 2/03/89

Motion: REP. ADDY moved the bill DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. HARPER moved the amendments proposed by George Ochenski on behalf of REP. HARPER. REP. RANEY asked the researcher to read those amendments. Essentially, health would be included in the list of items to assess, hydro-electric would be inserted in front of utilities, an ex-officio member of the Soil Conservation Service would be added, and the word "commissioner" in the bill should be changed to "mediator" to keep the bill in concert with Rep. Thoft's bill, which gave the Governor authority to appoint water mediators [illegible] commissioners.

DAILY ROLL CALL

HOUSE NATURAL RESOURCES COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 2-6-89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Raney, Chairman	✓		
Rep. Ben Cohen, Vice-Chairman	✓		
Rep. Kelly Addy	✓		
Rep. Vivian Brooke	✓		
Rep. Hal Harper	✓		
Rep. Mike Kadas	✓		
Rep. Mary McDonough	✓		
Rep. Janet Moore	✓		
Rep. Mark O'Keefe	✓		
Rep. Robert Clark	✓		
Rep. Leo Giacometto	✓		
Rep. Bob Gilbert	✓		
Rep. Tom Hannah	✓		
Rep. Lum Owens	✓		
Rep. Rande Roth	✓		
Rep. Clyde Smith	✓		

STANDING COMMITTEE REPORT

February 7, 1989

Mr. Speaker: We, the committee on Natural Resources report that House Bill 484 (first reading copy -- white) do pass .

Signed: _____

Bob Raney, Chairman

HAZARDOUS SUBSTANCES

INTRODUCTION

Over the past decade, the American public has grown increasingly concerned about the effects of hazardous substances on human health and the environment. Dozens of state and federal programs have been initiated to regulate the use, storage, transport, disposal and cleanup of hazardous substances, and these programs are grounded in a relatively new, rapidly evolving and extremely complex body of natural resource law.

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* The most common method of solvent disposal is mixture with waste oils, with subsequent usage for heating fuel, oil

recycling or, in some cases, road oiling. For spent solvents that are classified as hazardous wastes (as many are), these disposal methods may constitute violations of hazardous waste laws.

Based on these findings, SAIC cited a two-fold problem in Montana. First, the many conditionally exempt generators may not be aware of the need for or desirability of waste management services. Second, high transportation costs may make service to certain areas of the state unprofitable. In consideration of these factors and other report findings, SAIC recommended that:

* The Department of Health and Environmental Sciences (DHES) should not attempt to provide hazardous waste management services to Montana small businesses. Generator needs are too diverse and transportation considerations would make a single collection and transfer station ineffective.

* DHES should continue to educate small businesses on waste minimization techniques specific to their industries.

* DHES should provide all small-quantity generators with information on hazardous waste service companies active in Montana.

* Additional efforts are required to prevent the improper disposal of waste oil/solvent mixtures. Testing of waste oils should be required prior to pick-up by oil recyclers and solvent users should be informed about recycling options, including the opportunities for shared use of distillation equipment.

* The ongoing use of septic tank haulers for the disposal of "hot tank" wastes (metal-laden sludges from radiator repair shops) should be investigated, both in terms of volume handled and the environmental consequences of this virtually unregulated means of disposal.

Legislative Outlook

The Department of Health and Environmental Sciences intends to emphasize education and technical assistance to encourage Montana's small-quantity generators to further minimize their production of hazardous wastes and to dispose of wastes properly. These efforts will continue to be backed up by the regulatory structure in place under the Montana Hazardous Waste Act, and additional attention will be given to addressing the problems cited in the SAIC report.

The department has drafted legislation to amend the Montana Hazardous Waste Act to conform to 1984 amendments to the federal hazardous waste management law. The legislation would authorize DHES to order violators to cleanup off-site pollution and would allow the department to take legal action against persons who contributed to hazardous waste contamination through past illegal disposal practices.

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EXHIBIT 2-6-89

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TECHNICAL SUMMARY REPORT

MONTANA WASTE MINIMIZATION PROJECT

FOR SMALL QUANTITY GENERATORS

Submitted to:

State of Montana
Solid and Hazardous Waste Bureau
Department of Health and Environmental Sciences
Room B-201, Cogswell Building
Helena, Montana 59620

Submitted by:

Science Applications International Corporation
626 Columbia Street NW, Suite 1-C
Olympia, Washington 98501

September, 1988

MDHES Contract No. 800329
SAIC Project No. 1-817-00-180-00

The facilities interviewed generally send oil and solvent soaked rags to the local landfill. Spent solvents and solvent sludges are either taken to the local landfill or recycled as much as possible, and the sludges disposed of at the local landfill. Only one of the facilities audited appeared to be a Small Quantity Generator. This facility utilizes a permitted off-site TSD for disposal of sludges and some wastewaters. The other metal fabrication facilities appeared to be Conditionally Exempt Small Quantity Generators, generating less than 100 kg/month of any hazardous wastes. Only one facility indicated a need for and difficulty in finding a hazardous waste transporter or disposal facility, due apparently to the small quantity of wastes accumulated over time.

2.2.6 Vehicle Maintenance

This industrial category comprised the largest category of facilities audited over the course of this study. Included were dealerships with service facilities, commercial and municipal vehicle maintenance services, auto body repair services, heavy equipment (farm and construction) repair service, radiator shops, and aircraft maintenance. Forty-eight facilities were included in the audits.

Regardless of size and ownership of the operations, all vehicle and aircraft maintenance facilities include basic engine and equipment repair. Integral to these operations is the parts cleaning and equipment lubrication, change-out of lubricating oils, engine fluids, and worn parts. The largest volume of waste produced in the maintenance facilities is waste oils. These are typically drummed, often used for home heating fuel, and sometimes sold to a recycler or waste oil hauler. Many shops utilize solvents which are bought under contract and serviced by the contractor supplying the solvent and the parts cleaning unit. If this is not the case, a number of shops buy and reuse solvents until they are no longer effective. At this time, they may be redistilled on site, but in some cases, auditors determined that the spent solvents are being mixed with waste oils and treated as a non-hazardous waste. This may represent a substantial concern with regard to the use of waste oils as home heating fuels or the legal use of waste oils to oil dirt roads in rural portions of the state. Worn parts are either rebuilt, or disposed of at the local landfill if they cannot be recycled as scrap metal.

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Solvents utilized in the auto maintenance industry may exhibit the characteristic of ignitable (EPA Waste I.D. D001), or may be a chlorinated compound (EPA Waste I.D. F-0XX). Waste oils are not considered to be a hazardous waste under Federal Law.

Auto body shops and repair facilities that paint vehicles generate spent paint thinners and strippers as well as waste paints, paint sludges and filters. The thinners may be listed or characteristic hazardous wastes; the paints may also be hazardous due to metal content. In general, the shops interviewed reuse thinners as long as possible before wasting them or recycling them. Painting is typically done in some kind of a paint booth where overspray is collected on a filter or in a water curtain system.

Radiator shops typically utilize hot caustic baths for radiator cleaning. This operation generates a metal-rich sludge at the bottom of tanks which must be periodically cleaned out. In addition, the caustic in the hot tanks must be periodically changed out. Audits conducted on these facilities revealed that sludges are handled in one of several ways: pumped out by a septic hauler and disposed off-site at unknown locations, pumped out and disposed on the property, flushed to the sanitary sewer, flushed to an on-site septic tank, or taken to the local landfill. The caustic liquid is generally neutralized and discharged to the sanitary sewer, if and when it is changed out.

Few if any of the vehicle maintenance facilities audited can be classified as any other than Conditionally Exempt Small Quantity Generators. Most facilities generate a large volume (several hundred gallons per year) of waste oils; if solvents are mixed with these oils such that the mixture is a hazardous waste, then the entire volume would be a hazardous waste. Currently, most facilities are not testing waste oil/solvent mixtures to determine if they are hazardous prior to selling or re-using these waste materials.

Few of the facilities audited indicated a need for hazardous waste transportation and management services, other than a need for some type of solvent recycling. Safety-Kleen is available in western Montana to provide this service; in the

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4.0 CONCLUSIONS AND RECOMMENDATIONS

Small Quantity Generator audits, RCRA compliance/waste minimization workshops, and hazardous waste services surveys were performed to determine how wastes are being generated and disposed of in Montana, and what services are available to handle those wastes. The following conclusions have been drawn from this study:

- Of 114 Small Quantity Generator audits conducted, at least 90 percent proved to be Conditionally Exempt Generators (CEGs), generating less than 100 kg per month of listed or characteristic hazardous waste. These Conditionally Exempt Generators are not subject to most of the regulations for waste management and disposal under RCRA.

- Hazardous wastes generated by many SQGs and CEGs are being disposed by one of the following methods: disposal in the local landfill or on-site in burn pits or burial pits; discharged to the sanitary sewer or to an on-site septic tank and drain field; recycled by redistillation on-site; disposed off-site by regulated transporter. Disposal of hazardous wastes in local landfills appears to be a potential problem which is not currently well defined. Removal of hot tank wastes by septic haulers was also identified as a potential problem because this waste stream may contain high concentrations of heavy metals.

- Waste oils and solvents were the largest volume of wastes identified during the generator surveys. This corroborates the results of a special solvent and used oil study conducted for DHES in 1987. The most common method identified for solvent disposal in this study was to mix solvents with waste oils and utilize the mixture for fuel for home or business, or sell to an oil recycling operation. Waste oils which may or may not be mixed with solvents are also used for road oiling in various parts of the state.

- Most generators interviewed <u>did not</u> indicate a need or desire for hazardous waste management services beyond those already available to them. It is likely that the reason for this is the high number of CEGs interviewed who

to many of the RCRA regulations, and who may not be aware of the need for or desirability of waste management services. Secondly, while hazardous waste management services exist in the state, there is a definite problem of profitably serving many portions of the state due to high transportation costs. No single transfer station or service appears to be the solution to either of these problems. As a result, it is not recommended that the DHES provide these services. Instead, the following recommendations are made:

- Efforts should be made by the Montana DHES to educate SQGs and Conditionally Exempt Generators regarding waste minimization techniques specific to the various industries in the state. This could include a periodic state-wide direct mail newsletter or periodic workshops for specific types of generators. Coordination with the Montana Waste Information Exchange may be a way to disseminate some of this type of information.

- The DHES should provide to generators, via direct mail, information regarding those hazardous waste service companies active in the state. No endorsement would be implied if this list is comprehensive. The existing lists available upon request from the DHES should be updated periodically, and expanded to include an annotated description of the companies; these could then be utilized for direct mail to all Small Quantity and Conditionally Exempt Generators identified within the state.

- Parallel with educational activities regarding waste minimization, it appears that additional efforts are required to prevent the improper disposal of waste oil/solvent mixtures. This should be a two-pronged effort: one aimed at requiring testing of waste oils prior to pick-up by oil recyclers and the other at providing information to solvent users regarding on-site distillation. The DHES should encourage the shared use of a single distillation apparatus by several generators in a community. Again, this is part of an educational process, which may require demonstrations of such equipment in various localities and an information bulletin regarding the different types of distillation units available.

EXHIBIT 7
DATE 2-6-89
HB HB484

TESTIMONY FOR HALOGENATED SOLVENT BILL
HB 484

I have been asked by Representative Hannah to address certain technical issues associated with HB 484 which requires persons commercially using halogenated solvents to register that activity with the Department of Health and Environmental Sciences. Halogenated solvents are commonly used as degreasers and cleaning agents, and are associated with such activities as vehicle maintenance, dry cleaning, and laboratories. Common halogenated solvents in use include methylene chloride, tetrachloroethane, trichloroethene, and 1,1,1-trichloroethane.

Halogenated solvents can be of particular concern from a public health standpoint because of the potential toxic effect to human health. Some of these solvents can readily be transmitted orally or dermally into the human body and cause irreversible harm to human organs.

Historically, there has been a gradual movement toward the use of non-halogenated solvents which have a less toxic impact on humans. This movement is most evident in the area of vehicle maintenance where now most commonly ~~are~~ mineral spirits ~~is~~ have used as a degreaser.

However, there are certain industries where halogenated solvents will for the foreseeable future be the solvent of choice. Such industries includes dry cleaning, electrical parts repair, and laboratories.

It is the department's understanding that the intent of HB 484 is to encourage users of halogenated solvents to substitute the use of such solvents for less toxic or hazardous cleansing agents whenever possible. Further, the legislation would promote proper hazardous waste handling of such solvents. As such, this legislation would be regarded as a very effective part of the department's on-going waste minimization program.

VISITORS' REGISTER

Fish, Wildlife & Parks COMMITTEE

BILL NO. HB484 DATE 2-6-89

SPONSOR Rep. Hannah

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Bill Potts	State Health Dept.	X	
Chris Kaufmann	MEIC	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.